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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/684,768

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Sachin Navin Chheda

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HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

PATEL, ANAND B

ART UNIT

PAPER NUMBER

2116

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/684,768	Applicant(s) CHHEDA ET AL.	
	Examiner Anand Patel	Art Unit 2116	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19-28 is/are allowed.
- 6) ☒ Claim(s) 1,2,9,10,12 and 13 is/are rejected.
- 7) ☒ Claim(s) 3-8,11 and 14-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Amendment filed 8/29/06 has been entered and as such claims 1-6, 13-20 are amended and claims 21-28 are added.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No 6226699 to Humpherys et al (Humpherys), in view of US Patent No 6789206 to Wierzbicki et al (Wierzbicki).

- As per claims 1, 13, Humpherys discloses a server (10) comprising:
 - An electronic switching mechanism (150, 155) disposed on the card (figures 2, 3) and configured to cause three power states of the card including:
 - A fully-operational state in which a system power of the card is enabled (150 chooses 120) and a standby power of the card is enabled (155 chooses 130);
 - A standby state in which the system power of the card is disabled (150 chooses 130) and the standby power of the card is enabled (155 chooses 130); and
 - A shutdown state in which the system power of the card is disabled (system off) and the standby power of the card is disabled (system off).

Humpherys fails to disclose a server card. Wierzbicki teaches a server card (11) that is removable insertable into a server chassis (13) and comprising at least one of a blade server and a brick server (figure 2). An advantage of the system taught by Wierzbicki is the ability to produce

a computing element that is cheaper and user-friendlier than the prior art. It would have been obvious to one of ordinary skill in the art at the time of invention to modify Humpherys with the server card as taught by Wierzbicki. Motivation to modify is to cut costs and increase user control and understandability.

- As per claim 2, Humpherys discloses a server management circuitry (160) configured for communication with the electronic switching mechanism for managing the power states of the server card (figure 3; column 4, lines 36-38).
- As per claim 12, Wierzbicki teaches wherein the server card (11) comprises an electronic user interface (53) configured for communication with the switching mechanism to cause switching between power states of the server card (column 7, lines 18-21; figure 9 lists power states).

4. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humpherys, in view of Wierzbicki and US Patent Application Publication No 2004/0403345 to Dunstan.

- As per claim 9, Humpherys fails to disclose a server card, a watchdog timer, and a means for operating system shutdown. Wierzbicki teaches a server card (11). Wierzbicki fails to disclose a watchdog timer, and a means for operating system shutdown. Dunstan teaches:
 - An operating system (306) stored in a memory (308); and
 - A watchdog timer (303) in communication with the operating system (figure 3) and configured to be activated upon a transition from the fully operational state to the standby state (200-202; paragraph 8) and configured to cause the operating system to shut down, prior to the system power being disabled, in event that operating system does not shutdown within a predetermined period of time (figure 2; paragraphs 23, 25).

An advantage of the system taught by Dunstan is the ability to ensure proper shutdown of a computer (paragraph 8). It would have been obvious to one of ordinary skill in the art at the time

of invention to modify Humpherys and Wierzbicki with the watchdog timer and operating system shutdown method as taught by Dunstan. Motivation to modify is to increase system reliability.

- As per claim 10, Dunstan teaches a management circuitry (302) in communication with the watchdog timer (figure 3) and configured to monitor progress of the shutdown of the operating system (figure 2).

Allowable Subject Matter

5. Claims 19-28 are allowed for the reasons set forth in the previous Office Action.
6. Claims 3-8, 11, 14-18 are objected to as being dependent upon a rejected base claim, but would be allowable, for the reasons set forth in the previous Office Action, if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments filed 8/29/06 have been fully considered but they are not persuasive.
8. Applicant argues that Wierzbicki does not teach a server card comprising at least one of a brick server and a blade server. Examiner disagrees. Applicant points to page 3, lines 20-25 of the specification as defining the brick server and blade server to be a high-density server module that omits cooling and power supply units. Examiner asserts that this definition of a blade server is not a well-known definition to one of ordinary skill in the art, and further that this piece of the specification does not limit the definition of the server card in such a way. Newton's Telecom Dictionary, page 116 states only that a "blade is... a 'computer-on-a-card.'" US Patent No 6613984 to Hensley states "[b]lade servers are comprehensive computing systems that include processor, memory, network connections, and associated electronics." Neither of these definitions states that a blade server must omit cooling and power supply units. In addition, the support relied upon to provide a definition of a blade server (page 3, lines 20-25 of

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the specification) provides no such definition. A server card is defined alternatively as one of a brick server, a blade server, or a high-density server module that omits cooling and power supply units. The definition of a blade server used by the Examiner is within the scope of the definition set forth in these two references. If applicant would prefer to have a specific definition as the definition of the server card, it is advised that this definition be explicitly stated either in the specification or in the claims.

9. Applicant argues that Humpherys does not disclose how one would employ the server and remote console as a server card. Examiner notes that the Wierzbicki patent teaches the server card limitation and that the combination would make obvious to one of ordinary skill in the art how to devise a system that would read on the claim limitations. Moreover, as evidenced by the definition above, a blade is merely a computer on a card. One of ordinary skill in the art would understand the usage of such and would know how to employ a server card.

10. Applicant argues that there is no motivation to modify element 11 of the Wierzbicki to become a server card. Examiner agrees. Motivation need apply only to the combination of the patents themselves. When the disclosure of one of the reference patents reads on the claim limitations (see discussion of server card above) there is no need for motivation to modify the disclosure in the reference.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anand Patel whose telephone number is (571) 272-7211. The examiner can normally be reached on Mon-Fri 8AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on (571) 272-3670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ABP


LYNNE H. BROWNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100